

Anniston, Alabama

August 6, 2019

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chambers in the City Hall of the City of Anniston, Alabama, on Tuesday, August 6, 2019, at approximately 5:30 o'clock p.m.

Chris Collins, Fire Chief, prayed the Invocation.

Chris Collins, Fire Chief, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Reddick, Little, Harris, and Draper, absent: none. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, Interim City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of the July 16, 2019 regular meeting. The motion was seconded by Council Member Harris and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Mayor Draper made a motion to approve the agenda. The motion was seconded by Council Member Jenkins, and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the agenda was approved.

Mayor Draper opened a public hearing to receive public comments regarding over-ruling objections to the abatement of identified nuisances Group 20109-03 Grass/ Debris/ Vehicles: 0 Walnut Ave, 8 Railroad Ave, 16 South Leighton Ave, 110 Front, 213 West 20th St, 302 Walnut Ave, 401 West 22nd Street, 413 Chestnut Ave, 601 Mulberry, 606 South Allen Ave, 604 West 4th St, 646 Cave Road, 902 East 22nd, 1023 Cynthia Crescent, 1049 Michael Lane, 1210 Johnston, 1402 East 11th St., 1426 Glenwood Terrace, 1505 Moore Ave, 1918 Gurnee Ave, 1919 Rocky Hollow, 2010 Moore Ave, 2121 Walnut Ave, 2126 Moore Ave, 2201 McCoy Ave, 2206 Cobb Ave, 2208 McCoy Ave, 2405 Noble, 2631 McCoy Ave, 2723 McCoy Ave, 2731 McCoy Ave, 2826 Walnut, 2832 Walnut Ave.

No one spoke. Mayor Draper closed the public hearing to receive public comments regarding over-ruling objections to the abatement of identified nuisances Group 20109-03 Grass/ Debris/ Vehicles: 0 Walnut Ave, 8 Railroad Ave, 16 South Leighton Ave, 110 Front, 213 West 20th St, 302 Walnut Ave, 401 West 22nd Street, 413 Chestnut Ave, 601 Mulberry, 606 South Allen Ave, 604 West 4th St, 646 Cave Road, 902 East 22nd, 1023 Cynthia Crescent, 1049 Michael Lane, 1210 Johnston, 1402 East 11th St., 1426 Glenwood Terrace, 1505 Moore Ave, 1918 Gurnee Ave, 1919 Rocky Hollow, 2010 Moore Ave, 2121 Walnut Ave, 2126 Moore Ave, 2201 McCoy Ave, 2206 Cobb Ave, 2208 McCoy Ave, 2405 Noble, 2631 McCoy Ave, 2723 McCoy Ave, 2731 McCoy Ave, 2826 Walnut, 2832 Walnut Ave.

Mayor Draper opened a public hearing to receive public comments regarding the 2019 Byrne Justice Assistance Grant (JAG) program. No one spoke. Mayor Draper closed the public hearing to receive public comments regarding the 2019 Byrne Justice Assistance Grant (JAG) program.

Cory Salley, Finance Director, presented a brief overview of the Proposed FY20 Recommended City Manager's Budget.

Mayor Draper opened a public hearing to receive public comments regarding the Proposed FY20 Recommended City Manager's Budget.

Janice, addressed the council on where the storm-water fees are used for and if there are funds allocated for bush removal around her properties.

Glen Ray, 3514 Dale Hollow Road, addressed the council on lack of dash cams in police vehicles.

Ralph Bradford, Citizen of Anniston, asked the council if more expenditures would be going out than coming in?

Richard Jackson, 2317 Noble Street, addressed the council on storm water.

Mayor Draper closed the public hearing to receive public comments regarding the Proposed FY20 Recommended City Manager's Budget.

Council Member Little made a motion to remove from the table and place on the floor: (a) a motion to request an estimate be prepared on cost to purchase land and build a New City Hall. The motion was seconded by Council Reddick and on call of the roll the following vote was recorded: ayes: Council Member Reddick, Little, and Harris; nays: Council Member Jenkins and Draper. The motion carried

Council Member Little made a motion to request an estimate be prepared on cost to purchase land and build a new City hall. The motion was seconded by Council Member Reddick.

Council Member Little stated this is only the fiduciary duty of any elected body, and that the public and the council should know what it is going to cost to move into the federal courthouse building. He stated that the council should know the cost to remodel or rebuild to let the public know since the money is coming out of their pockets. The council failed to do their job for the citizens that elected them in office. This is a reasonable request that should have been done from the beginning.

Council Member Harris stated that she made a mistake and would not have voted for this to come to the floor for a vote. She stated that this is very premature and that she does not believe that they are at that point.

Mayor Draper stated that they have to develop a plan and that plan should include moving the permanent city hall back downtown but there is no proposal to purchase any real property. He stated that he would be in favor of renovating an existing building downtown; and that blame should be placed on him. He stated that he could have done a better job at bringing this to the floor so that they could better plan for where they are going.

Council Member Reddick stated that there were three motions presented: to get a cost estimate on what it would take to turn the federal courthouse into city hall. To see what it what cost to purchase the Anniston Star and make that city hall; and the last one was to move into a new location in the city limits that could easily be downtown. The goal of these motions was to say what is the council's agenda and what are they trying to do.

Council Member Little stated that this is not premature. He stated that everything is premature when he and Council Member Reddick want information and they get no help. He stated that they are tossed around and that they only have the concern of the citizens; and that the citizens do not know what it is going to cost to renovate the contaminated courthouse or to purchase a new building.

And on call of the roll the following vote was recorded: ayes: Council Member Reddick, and Little; nays: Council Member Jenkins, Harris, and Draper. The motion failed.

Mayor Draper made a motion to approve the consent agenda:

- (a) Resolution authorizing reimbursements to City Officials for expenses incurred while traveling away from the city (19-R-178)
- (b) Resolution over-ruling objections to the abatement of identified nuisances. Group 2019-03 Grass/Debris/Vehicles (19-R-179)
- (c) Resolution declaring a reported condition to be a public nuisance. Group 2019-04 Grass/Debris/Vehicles (19-R-180)
- (d) Resolution directing installation of Fire Hydrant (19-R-181)

The motion was seconded by Council Member Reddick and on call of the roll, the following vote is recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper. The motion carried and the consent agenda was approved.

Council Member Little leaves the Council Chambers at 6:18 p.m.

Council member Little returns to the council chambers at 6:19 p.m.

Bruce Downey, City Attorney, introduced and read Resolution 19-R-182, A Resolution Adopting Fair Chance Hiring Practices:

RESOLUTION NO. 19-R-182

RESOLUTION ADOPTING FAIR CHANCE HIRING PRACTICES

WHEREAS, "Ban the Box" is a national initiative with the goal of increasing employment opportunities for people with a criminal past, who have been rehabilitated, by removing questions from the employment application regarding past criminal history, thereby eliminating consideration of past criminal history at the application stage of the hiring process;

WHEREAS, many other cities and counties throughout the United States, have adopted new employment application practices in support of the "Ban the Box" initiative;

WHEREAS, the City of Anniston is committed to ensuring that all qualified individuals seeking employment at the City should be given an equal opportunity to apply for available positions;

WHEREAS, by this Resolution, the Council for the City of Anniston desires to implement just and fair measures and practices for the screening and identification of persons eligible for employment, while balancing the need to ensure workplace safety and avoid negligent hiring;

WHEREAS, the Council encourages private sector businesses to adopt similar policies to provide fair employment opportunities for their job applicants;

WHEREAS, in furtherance of the foregoing, the Council deems it to be in the best interests of the citizens and residents of the City of Anniston to adopt new employment application practices in support of the "Ban the Box" initiative;

NOW THEREFORE, BE IT RESOLVED by the Council for the City of Anniston, Alabama as follows:

Section 1. The City of Anniston's applications for positions of employment shall not inquire about an applicant's criminal or arrest history.

Section 2. The City of Anniston shall only review and consider an applicant's criminal and arrest history at a later stage of the hiring process when the information is job related and consistent with a legitimate business necessity, taking into consideration the specific conduct at issue, the recency and frequency of the conduct, and the nature of the job, the job duties and functions, and the circumstances and environments in which the job is to be performed, while continuing to ensure that the City's hiring process protects workplace safety and avoids negligent hiring.

Section 3. The appointing authority, his or her delegees, and other City officials and employees are hereby authorized to do all things necessary and expedient in order to carry out the aims of this Resolution.

Section 4. The requirements, directives, and objectives of this Resolution shall not apply to the hiring process, including applications, for positions of employment within the Anniston Police Department or the Anniston Fire Department.

Section 5. This Resolution shall take effect immediately upon its passage and adoption. Its terms, application and effect shall be prospective, only.

PASSED and ADOPTED on this the 6th day of August, 2019.

By:/s/ Jack Draper, Mayor
By:/s/ Jay Jenkins, Council Member
By:/s/ David Reddick, Council Member
By:/s/ Ben Little, Council Member
By:/s/ Millie Harris, Council Member

Council Member Reddick made a motion for passage and adoption. The motion was seconded by Mayor Draper.

Council Member Reddick stated that this is a national initiative, called Ban the Box, that eliminates the box of being convicted as felony on applications. It gives everyone a fair chance.

Mayor Draper stated that Bersheba Austin, Human Resources Director, informed them that this has been a practice of the city in non-civil service hires since 2014. This is a way for the city actually memorializing this as a policy.

Council Member Harris stated that she agrees with this and that all people need a second chance and the best way to do so is ensure they have gainful employment.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 19-R-181 was passed and adopted.

RESOLUTION NO. 19-R-182

**RESOLUTION ADOPTING THE 2019 ANNUAL ACTION PLAN AND BUDGET FOR THE CITY OF ANNISTON'S
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE ANNISTON/CALHOUN COUNTY
HOME CONSORTIUM'S HOME PROGRAM**

WHEREAS, the City of Anniston is the grantee and administrative entity for the City of Anniston's Community Development Block Grant (CDBG) program and the Anniston/Calhoun County HOME Consortium's HOME program; and

WHEREAS, the City has followed all procedures prescribed by HUD regulations and met all of its legal obligations under the CDBG and HOME programs and HUD regulations, including the requirements of its approved Citizen Participation Plan; and

WHEREAS, the City Council wishes to approve the Annual Action Plan for submission to HUD including the allocation of the sum of the PY 2019 CDBG grant award of \$556,454 and the sum of the PY 2019 HOME grant award of \$390,089.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama as follows:

Section 1. That the Program Year 2019 Annual Action Plan and Budget are approved and hereby adopted in the following amounts for the period beginning October 1, 2019 and ending September 30, 2020.

PY 2019 CDBG Budget

Administration		\$111,290.80
Public Services		\$ 83,468
The Right Place	\$ 10,000.00	
Boys & Girls Club	\$ 9,500.00	
All Saints for Concern	\$ 10,000.00	
Community Enabler	\$ 11,468.00	
St. Michael's Community Services	\$ 22,500.00	
Interfaith Ministries	\$ 20,000.00	
Public Facility		\$231,695.20
The Little Tree Preschool	\$ 15,060.00	
Anniston Housing Authority	\$116,635.20	
City of Anniston Public Works	\$100,000.00	
Housing Rehabilitation		\$130,000.00
World Changers	\$ 5,000.00	
The Right Place	\$100,000.00	
Habitat for Humanity	\$ 25,000.00	
Total CDBG Budget		\$556,454.00

PY 2019 HOME Budget

Administration & Planning/Program Delivery	\$39,008.90
CHDO Set-Aside	\$58,513.35
Northeast Alabama Community Dev. Corp.	

Housing Activities		\$292,566.75
Anniston Housing Authority-Barber Terrace	\$ 64,995.10	
Anniston Housing Authority-Cooper Homes	\$100,000.00	
The Right Place-Hillside Cottage Phase II	\$ 96,085.00	
Northeast AL Community Development Corp	\$ 31,486.65	
Total HOME Budget		\$390,089.00

Section 2. The City Manager, as Chief Administrative Officer of the City of Anniston, Alabama, is authorized to apply for these CDBG and HOME funds by submission of said documents to HUD, and to execute all other documents, forms, agreements, certifications, assurances or reports that may be requested by HUD in relation to said Plan and to undertake all actions and steps that may be necessary to complete the Plan.

PASSED AND ADOPTED this 6th day of August, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay W. Jenkins, Council Member

By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 19-R-183. The motion was seconded by Council Member Harris.

Council Member Little stated that he asked the questions of who was the architect, contractor, and any follow up plans for the homes between 2012-2016. He stated that about \$1.5 million dollars went through Community Block Grant and not a tact went to assist in West Anniston and South Anniston that were qualified.

Council Member Reddick stated that there were some things that the council did not want to support this year that were included: about \$165,000.00 is going to Barber Terrace and Cooper Homes and giving the Right Place \$96,000.00, and what is that for? He stated that his focus is economic development and that his desire is to put that money into that to develop the area.

Council Member Little stated that the money going to Cooper Homes, the Housing Director lied and there is an effort to demolish everything, disperse the people, dislodge them, under the scat that they want to make it better. The election is coming up and the Census and they want to disperse everyone out of Ward 3. He stated that there is a method to their madness.

Mayor Draper stated that he appreciates the hard work city staff put into this, Mary Motley and CDBG Consultant Kimberly Roberts.

Council Member Reddick stated that the public should be outraged at this; and that they asked for a committee to help with the decision on where the money would go. He stated that this money could have built 30 homes in the city. And that there were only two cottages for the homeless but there is no evidence that is what is happening.

Council Member Harris stated that they had meeting after meeting last fall with the Anniston Housing Authority and that they went to the sites but the two council members who are complaining today were absent. She stated those concerns could have been brought up during that time and they were not.

Council Member Jenkins stated that there is a time line on this and asked what is the date.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; nays: Council Member Reddick and Little. The motion carried and Resolution 19-R-183 was passed and adopted.

Bruce Downey, City Attorney, introduced and read Resolution 19-R-184, A Resolution Amending the Community Development Block Grant Allocations for Program Year 2014:

RESOLUTION NUMBER 19-R-184
A RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATIONS FOR
PROGRAM YEAR 2014

WHEREAS, the City of Anniston wishes to substantially amend its Community Development Block Grant 2014 funding allocation; and

WHEREAS, the City of Anniston will be transfer \$4,000.00 of unallocated 2014 funds to Parks and Recreation to help cover the total cost to replace the vertical lift at the Senior Citizen & Therapeutic Recreation Center.

WHEREAS, the City of Anniston will be transfer \$200,000.00 of unallocated 2014 funds to Homeowner Occupied Rehabilitation.

WHEREAS, the City of Anniston advertised the proposed amendment on June 23, 2019 in the Anniston Star Newspaper and held a public hearing to discuss the proposed amendment on Wednesday, July 24, 2019.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Anniston, Alabama, that the City Manager is hereby authorized to sign the agreement and all documentation relating to the substantial amendment for Program Year 2014.

PASSED AND ADOPTED this 6th day of August, 2019.
CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor
By:/s/ Jay W. Jenkins, Council Member
By:/s/ David E. Reddick, Council Member
By:/s/ Benjamin Little, Council Member
By:/s/ Millie Harris, Council Member

Council Member Jenkins made a motion for passage and adoption. The motion was seconded by Mayor Draper.

Council Member Little thanked Mr. Jackson with the West Anniston Foundation and the CDC for what they are doing with home repairs and the other banks and business that are participating in the community. He asked how they found more money from 2014.

Mary Motley, Community Development Block Grant, stated that she could not remember the exact amount but it was well over \$400,000.00 from 2014 that had to moved back over to their line of credit and that is part of it.

Council Member Reddick stated that he would like a report on what the city has on unallocated from 2014 to present because he wants to put people in a position where they can build a home.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 19-R-184 was passed and adopted.

Mayor Draper made a motion to read Ordinance 19-O-10, An Ordinance Amending Chapter 31, Article III of the Code of the City of Anniston, Alabama, 1981 Governing Ambulance Services. The motion was seconded by Council Member Jenkins.

Mayor Draper opened a public hearing to receive public comments on reading Ordinance 19-O-10 An Ordinance Amending Chapter 31, Article III of the Code of the City of Anniston, Alabama, 1981 Governing Ambulance Services by title only. No one spoke. Mayor Draper closed the public hearing to receive public comments on reading Ordinance 19-O-10 by title.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Ordinance 19-O-10 will be read by title only.

Bruce Downey, City Attorney, read and introduced Ordinance 19-O-10 by title only:

ORDINANCE NO. 19-O-10
AMENDING CHAPTER 31, ARTICLE III OF THE CODE OF THE CITY OF ANNISTON, ALABAMA, 1981
GOVERNING AMBULANCE SERVICES

NOW THEREFORE, BE IT ORDAINED by the Council for the City of Anniston, Alabama as follows:

Section 1. Chapter 31, Article III, Section 31.40, Subsections (a)(4) and (a)(17) through (22) of "The Code of the City of Anniston, Alabama, 1981" are hereby amended, restated and enacted in their entirety as follows:

Sec. 31.40- Definitions

(a) The following words when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates to them in this section a different meaning. When not inconsistent with the context words in the singular number include the plural number, and the masculine shall include the feminine and neutral, and vice versa.

(4) Ambulance call. The act of calling for an ambulance through mechanical or other means for the purpose of transporting any patient to or from a medical care facility.

a. Emergency call. An ambulance call for service in which it is believed that the illness, injury or disability requires immediate medical services wherein delay of the receipt of such services may endanger personal health or safety.

b. Nonemergency call. An ambulance call for transportation to or from a medical facility or medical provider that does not involve the need for immediate medical services.

c. Hospital call. An ambulance call initiated by or on behalf of a medical provider for transportation of a patient from a hospital to another hospital, urgent care clinic, or other medical facility providing immediate care to the patient.

(17) Hospital transport. The transportation of a patient by an ambulance service operator in response to hospital call, including calls where the patient is ill, injured, or disabled and calls where the patient requires medical services during the transport or immediately upon arrival at the destination.

(18) Intermediate EMT. Any person eighteen (18) years of age or older who has successfully completed the intermediate emergency medical technician course of instruction and been granted a current, valid license by the state board of health. Such persons are generally authorized by the state to provide invasive prehospital care such as starting intravenous fluids, monitoring cardiac rhythms, performing defibrillation and intubation or other such similar procedures.

(19) Nonemergency transport. The transportation of a patient by an ambulance service operator to or from a medical facility or provider that does not involve the need for immediate medical services. Such transports shall not use or require the use of emergency warning devices. Such calls include, but are not limited to interhospital transfers, discharge to home, visits to physician offices and the transport of deceased patients.

(20) Paramedic. Any person eighteen (18) years of age or older who has successfully completed the paramedic course of instruction and been granted a current valid license by the state board of health. Such persons are generally authorized by the state to provide invasive prehospital care such as starting intravenous fluids, monitoring cardiac rhythms, performing defibrillation and intubation, administering pharmacological interventions or other such similar procedures.

(21) Patient. An individual who is wounded, injured, ill or sick, otherwise incapacitated, helpless or unable to transport themselves to receive medical treatment or individuals who call or request the services of an ambulance service.

(22) State board of health. That body created by Section 22-2-1, et seq, Code of Alabama, 1975. As amended, otherwise known as the Alabama State Board of Health or the Alabama Department of Public Health.

Section 2. Chapter 31, Article III, Section 31.41, Subsection (h) of the "The Code of the City of Anniston, Alabama, 1981" is hereby amended and restated in its entirety as follows:

Sec.31.40-Permit Required for EMS ambulance service operators.

(h) Excluded Services. The provisions and requirements of this article shall not apply to the following:

(1) Ambulances operated by a federal agency of the United States and ambulance drivers, EMTs or paramedics staffing such ambulances;

(2) Ambulances operated by a private business or industry utilized exclusively for employees of such business or industry free of charge;

(3) Ambulances rendering emergency assistance to other licensed ambulance services in the event of emergency; and

(4) Ambulances, ambulance services and other emergency medical service operators, including air and critical-care transports, when its business and operations within the city are limited to the provision of hospital transports from a hospital located within the city limits.

Section 3. The amendments made to Chapter 3, Article III, Section 31.45, Subsection (e)(2) of "The Code of the City of Anniston, Alabama, 1981" governing Response times, adopted pursuant to Section 2 of Ordinance No. 19-O-6 are hereby repealed.

Section 4. Chapter 31, Article III, Section 31.45, Subsection (e)(2) of "The Code of the City of Anniston, Alabama, 1981" shall be restated in its entirety as follows:

Sec.31.14-Regulations for EMS ambulance service operators.

(e) Emergency response.

(2) Response times. Each EMS ambulance service operator must arrive within eight (8) minutes of receipt of an emergency call located within the corporate city limits on at least ninety (90) percent of all emergency responses. Each EMS service operator must arrive within ten (10) minutes of receipt of an emergency call located within the police jurisdiction shall utilize the “fractile” performance measure in which all applicable response times are “stacked” in ascending length. Then, the total number of calls generating a response is calculated as a percentage of the total number of calls. Thus, where the ninetieth percentile response time is standard, only ten (10) percent of the total calls received may have a longer response time. The response times mandated by this article shall not apply to mutual aid certificate holders; provided however, upon receiving a call for providing service under mutual aid agreement, a mutual aid certificate holder must assess its availability and provide the entity requesting emergency service an anticipated arrival time. The anticipated arrival times provided by mutual aid certificate holders must correspond with actual arrival times in ninety (90) percent of all emergency responses it provides under a mutual aid agreement.

Section 5. Chapter 31, Article III, Section 3.47 of “The Code of the City of Anniston, Alabama, 1981” is hereby amended and restated in its entirety as follows:

Sec. 31.47- Nonemergency ambulance services.

(a) Applicability. This section governs ambulance service operators that operate on the city’s street in the course of providing nonemergency transports, the beginning and ending point for which are both located within the corporate limits of the city, and ambulance service operators that provide hospital transports from points originating within the corporate limits of the city.

(b) License required for nonemergency transports. Unless otherwise provided in this article, all ambulance service operators providing nonemergency transports shall be assessed a license fee as set forth in the license schedules authorized by city’s business licenses and privilege taxes ordinance and is subject to adjustment as allowed by said ordinance or other law. Ambulance service operators licensed by the city to provide nonemergency transports shall maintain a log of all nonemergency transports within the city and all hospital transports originating within the city and said ambulance service operators shall make all transport records available to CQI and/or the city upon request. Ambulance service operators licensed by the city to provide only nonemergency transports and hospital transports shall not provide emergency transports within the city, unless pursuant to a mutual aid agreement authorized by Section 31.45 (a)(6) or the emergency exception permitted by Section 31.41(f).

(c) Exemption from licensing requirement. Any ambulance service operator holding a certificate of need issued by the CQI and an EMS Ambulance service operator permit issued by city pursuant to this article shall be deemed as meeting the requirements for nonemergency transports and therefore exempt from the licensing requirement applicable to ambulance service operators providing nonemergency transports. Further, the licensing provisions of this article shall not apply to an ambulance service operator that may infrequently, at the request of a hospital located within the corporate limits of the city, undertake a nonemergency transport from such hospital to another location within the city; provided however, this exemption shall apply only to those transports that occur when no ambulance service operators that are licensed by the city are available to retrieve the patient from the hospital within thirty (30) minutes of the request for a nonemergency transport.

(d) Violations; penalties for noncompliance. Any complaint that an ambulance service operator is operating on the street of the city in violation of any provision of this article shall be investigation and prosecution where warranted. Any ambulance service operator found guilty of violating any provision of this article shall be subject to a five hundred-dollar (\$500.00) fine per violation. Additionally, any

ambulance service operator that commits three violations of the prohibition against providing emergency transports within any six-month period shall be subject to up a one-year suspension of the ambulance service operator's license to provide nonemergency transports. The city manager may also direct the city attorney to pursue equitable remedies to enforce compliance with the provisions of this article.

Section 6. All prior ordinances in conflict herewith are expressly repealed to the extent of such conflict and as necessary to bring into effect the terms of this ordinance.

Section 7. This ordinance shall have force and effect in the police jurisdiction of the City of Anniston and shall take effect immediately upon the expiration of the thirtieth day following its passage and adoption and publication as required by law.

Section 8. Upon its passage and adoption, the City Clerk is hereby authorized and directed to publish this ordinance in The Anniston Star, a newspaper of general circulation published within the City of Anniston, Alabama. The City Clerk is further authorized and directed to submit a copy of this ordinance and proof of publication and 30-day notice of its applicability within the police jurisdiction to the Alabama Department of Revenue for posting on the Atlas Alabama state website in accordance with Ala, Code SS 11-40-10.

PASSED and ADOPTED this 6th day of August, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay W. Jenkins, Council Member

By:/s/ David E. Reddick, Council Member

By:/s/ Ben Little, Council Member

By:/s/ Millie Harris, Council Member

Council Member Jenkins made a motion for passage and adoption of Ordinance 19-O-10. The motion was seconded by Mayor Draper.

Council Member Jenkins stated that they currently have an ordinance that has the necessary language and the question becomes one of enforcement at this point.

Mayor Draper stated that the ordinance now has been vetted at length by the Fire Chief and CQI board and this would resolve any potential issues in the future.

Council Member Little stated that this ordinance has been vetted and discussed for months.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Ordinance 19-O-10 was passed and adopted.

Mayor Draper made a motion to read Ordinance 19-O-11, An Ordinance Enacting regulations Governing the Sale of Dogs and Cats in Pet Shops by title only (2nd Reading). The motion was seconded by Council Member Harris.

Mayor Draper opened a public hearing to receive public comment on reading Ordinance 19-O-11 by title only.

Mary Crabtree, 284 Pine croft Road, addressed the council on being in favor of not selling dogs and cats in pet shops.

Mayor Draper closed the public hearing to receive public comment on reading Ordinance 19-O-11 by title only.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Ordinance 19-O-11 will be read by title only.

Bruce Downey, City Attorney, read and introduced Ordinance 19-O-11 by title only.

ORDINANCE NO. 19-O-11

ENACTING REGULATIONS GOVERNING THE SALE OF DOGS AND CATS IN PET SHOPS

WHEREAS, a significant number of puppies and kittens sold at pet shops come from largescale, commercial breeding facilities which do not adequately care for the health and welfare of the animals;

WHEREAS, the documented abuses endemic to these breeding facilities include overbreeding, inbreeding, minimal to non-existent veterinary care, lack of adequate and nutritious food, water and shelter, lack of socialization, lack of adequate space, and lack of adequate exercise;

WHEREAS, these inhumane conditions and abuses lead to health and behavioral issues in the animals bred in those facilities, and many consumers are unaware of these concerns when purchasing animals from pet shops, and the health and behavioral issues resulting from their breeding conditions may not present themselves until sometime after the purchase of the animals and can impose exorbitant financial and emotional costs on consumers;

WHEREAS, restricting the retail sale of puppies and kittens at pet shops to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in these inhumane and abusive conditions and is likely to further the public interest by increasing demand for animals from animal shelters and rescue organizations, which may otherwise be euthanized or present costs and burdens on the community;

WHEREAS, the City Council believes it is in the best interests of this City to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City;

NOW THEREFORE, BE IT ORDAINED by the Council for the City of Anniston, Alabama as follows:

Section 1. The Council hereby enacts and codifies in Chapter 4, Article I, Section 4.26 of "The Code of the City of Anniston, 1981" to state in its entirety as follows:

Section 4.26 – Sale of Animals in Pet Shops

(a) Definitions. For purposes of this section, the following terms shall have the meaning ascribed herein:

(1) Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

(2) Animal rescue organization means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes, and which does not obtain animals from a breeder or broker for profit or compensation.

(3) Cat means a member of the species of domestic cat, *Felis catus*.

(4) Dog means a member of the species of domestic dog, *Canis familiaris*.

(5) Offer for sale means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

(6) Pet shop means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

(b) Restrictions on the Sale of Dogs and Cats. A pet shop located within the city may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with either an animal care facility or an animal rescue organization. A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

(c) Record Keeping and Disclosures. A pet shop located within the city shall maintain records stating the name and address of the animal care facility or animal rescue organization that each cat or dog was obtained from for at least two years following the date of acquisition. Such records shall be made available for immediate inspection by the city's designated representative upon its request. Each pet shop shall display on each cage a label stating the name and address of the animal care facility or animal rescue organization of each animal kept in the cage.

Section 2. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 3. This Ordinance shall become effective immediately upon its adoption and publication one (1) time in *The Anniston Star*, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

PASSED and ADOPTED this 6th day of August, 2019.
CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor
Jay W. Jenkins, Council Member
Millie Harris, Council Member

Council Member Harris made a motion for passage and adoption of Ordinance 19-O-11. The motion was seconded by Mayor Draper.

Council Member Harris stated that during this past legislative session there was huge pet distributor that attempted to get a law passed in the State of Alabama to prohibit municipalities from restricting the sale of dogs and cats within the municipalities. She stated that this retailer is a huge outlet for puppy mills; and this a proactive measure to ensure it does not happen.

Council Member Little stated that they should proactive instead of reactive and hire a law firm to sew the State and Del Marsh if the de-annexation takes place. He stated that he has no problem being proactive to make sure the dogs and cats are taken care of but they should be make sure that everyone is taken care of.

Council Member Reddick stated that this ordinance is punishing every dog breeder; and not every dog breeding organization is mistreating animals and that this is a moot discussion anyway because the City of Anniston does not have a shop that sells animals.

Council Member Harris stated in regards to this ordnance hurting reputable breeders, it does not it only applies to retail.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; nays: none; abstentions: Council Member Reddick and Little. The motion carried and Ordinance 19-O-11 was passed and adopted.

Mayor Draper made a motion to read Ordinance 19-O-12, An Ordinance Amending Chapter 4 of the Code of Ordinances to Govern the Seizure, Custody, and Disposition of Animals by title only (2nd Reading). The motion was seconded by Council Member Harris.

Mayor Draper opened a public hearing to receive public comments on reading Ordinance 19-O-12 by title only. No One Spoke. Mayor Draper closed the public hearing to receive public comments on reading Ordinance 19-O-12 by title only.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little Harris, and Draper; nays: none. The motion carried and Ordinance 19-O-12 was read by title only.

Bruce Downey, City Attorney, read and introduced Ordinance 19-O-12 by title only.

ORDINANCE NO. 19-O-12
AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES TO GOVERN THE SEIZURE, CUSTODY, AND
DISPOSITION OF ANIMALS

NOW THEREFORE, BE IT ORDAINED by the Council for the City of Anniston, Alabama as follows:

Section 1. Chapter 4, Article I, Section 4.11 of “The Code of the City of Anniston, 1981” is hereby amended and restated in its entirety as follows:

Sec. 4.11. - Authority to inspect, protect and prevent cruelty to animals.

Any police officer or certified animal control officer of the city shall have the authority to inspect alleged violations of Sections 4.9 and 4.10 of this Article, to protect animals from any cruelty charged, and to prevent any cruelty to any animals.

Section 2. Chapter 4, Article I, Section 4.12 of “The Code of the City of Anniston, 1981” is hereby amended and restated in its entirety as follows:

Sec. 4.12 – Temporary custody; hearing; and disposition of animals.

(a) Any law enforcement officer or certified animal control officer of the city, having reasonable belief, evidence of, or having found an animal to be neglected or cruelly treated in violation of Sections 4.9 or 4.10 of this Article may perform either of the following:

(1) Remove the animal from its present location;

(2) Order the owner or person in charge of the animal to provide certain care to the animal at the owner's or person in charge's expense without the removal of the animal from its present location.

(b) The law enforcement officer or certified animal control officer, without the requirement of any fee or charge for court costs, shall immediately petition the municipal court for a hearing to be set within 20 days of seizure of the animal or the issuance of the order to provide care.

(c) The hearing shall be held to determine whether the owner or person in charge, if known, is able to provide adequately and protectively for the animal and is fit to have custody of the animal. The hearing shall be concluded and the court order entered within 30 days after the date the hearing is commenced. The owner or person in charge, at least five days prior to holding such a hearing, shall be notified of the date of the hearing to determine if the owner or person in charge is able to provide adequately and protectively for the animal and is fit to have custody of the animal.

(d) The law enforcement officer or certified animal control officer may provide for the animal until either the animal is returned to the owner or person in charge by the court, or the court refuses to return the animal to the owner or person in charge and implements one of the procedures pursuant to subsection (f).

(e) If the owner or person in charge is adjudged by the court to be able to provide adequately for and have custody of the animal, the animal shall be returned to the owner or person in charge.

(f) If the court determines that the owner or person in charge of the animal is unable, unwilling, or unfit to adequately provide for, protect, and have custody of the animal, the court may implement the following by court order:

(1) Upon the testimony of the person taking custody, a licensed veterinarian, or another qualified witness that the animal requires destruction or other disposition for humane reasons or is of no commercial value, order the animal destroyed or remanded directly to the custody of the animal control, shelter, or similar facility designated by the city to be disposed of by the facility or person in a humane manner.

(2) Upon proof of the costs incurred by the agent or agency having custody of the animal, order that the owner or person in charge pay any costs incurred for the care of the animal and for any costs incurred in destroying the animal. A separate hearing may be held by the court on the assessment of costs, which assessment shall include all costs of notice and hearing. In the event the court finds the owner or person in charge innocent of charges, the owner or person in charge shall not be charged with costs of the care of the animal in custody.

(g) If the court determines that the owner or person in charge is unable, unwilling, or unfit to adequately provide for and protect any other animal in the custody of the owner or person in charge that was not originally seized by the law enforcement officer or certified animal control officer when the animal in

custody was seized, the court may enjoin the owner or person in charge of further possession or custody of the unseized animal.

Section 3. All prior ordinances in conflict herewith are repealed to the extent necessary to bring into effect the terms and effect of this ordinance.

Section 4. This ordinance shall have force and effect in the police jurisdiction of the City of Anniston and shall take effect immediately upon the expiration of the thirtieth day following its passage and adoption and publication as required by law.

Section 5. Upon its passage and adoption, the City Clerk is hereby authorized and directed to publish this ordinance in The Anniston Star, a newspaper of general circulation published within the City of Anniston, Alabama. The City Clerk is further authorized and directed to submit a copy of this ordinance and proof of publication and 30-day notice of its applicability within the police jurisdiction to the Alabama Department of Revenue for posting on the Atlas Alabama state website in accordance with Ala. Code § 11-40-10.

PASSED and ADOPTED this 6th day of August, 2019.
CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor
By:/s/ Jay W. Jenkins, Council Member
By:/s/ David E. Reddick, Council Member
By:/s/ Ben Little, Council Member
By:/s/ Millie Harris, Council Member

Council Member Harris stated that in the past if someone had charges brought against them for animal cruelty, the animal is confiscated and placed in a shelter; and this streams line the process and brings the city in compliance with state law.

Council Member Reddick stated that he believes in the fair treatment of animals but it is odd the amount of passion they put into animal control but trying to put money towards homes for working class families, they get nothing. He stated that they should compassion to the people in the city as well.

And on call of the roll the following vote was recorded: ayes Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Ordinance 19-O-12 was passed and adopted.

Pamela Dewey, addressed the council on the possibility of annexation of a part of Anniston to the City of Oxford.

Ralph Bradford, addressed the council on the annexation and that they do not have a right to take apart of Anniston, just move to Oxford.

Glen Ray, 3514 Dale Hollow Rd., addressed the council that they are divided and they should be ashamed because they are not working together.

David Baker, 1116 17th St, addressed the council on the de-annexation, that is a very serious problem, and if people want to move they can.

Sherev Hameed, 9 QuilCourt, addressed the council on the civil rights building and that it would bring in a needed change within the City.

Gary Thomas, addressed the council that he can see why the Golden Springs area would want to move because Council Members are not getting things done other than arguing.

Mary Crabtree, 284 Pinecroft Rd, addressed the council that the reason she does not come to these meetings is because of the bickering and the divide.

Tony, 1729 Walnut, addressed the council that the focus should be on saving the City of Anniston and that things are not going prosper if there is a divide.

Jim Pritchett, City Taxi in Anniston, addressed the council on doing something about individuals using their personal vehicles as taxis without insurance, permits, etc.

Lavetta Davis, Ward 4, addressed the council that the Mayor is not representing everyone and looking at both sides.

Council Jenkins thanked Mr. Folks and Mr. Abernathy for their hard work at getting things ready for the Woodstock 5k; and the de-annexation discussion is both disturbing and disheartening. He stated that he is opposed to any de-annexation of the city and that the citizens can do something by reaching out to their state legislature.

Council Member Reddick stated that he is against the de-annexation also. He stated that he lost a minimum of 50 million dollars of economic development that he personally brought to the city because of the economic development department. He stated that they should force the city to treat businesses like they care about our city. He stated that he is not going to argue with Council Member Little publicly because he seconds his motions and vice versa.

Council Member Little thanked the ones that made the meeting last night and the staff of the city meeting center for putting out chairs because it showed how concerned people are about the pollution and contamination living in the housing; and expressed his condolences to those cities and states of those who were shot in and killed. He stated they should be proactive for the human beings and not just cats and dogs.

Council Member Harris stated that Michelle Obama once said, "when they go low, we go high". She stated that she had nothing to do with the nonprofit, Forward 4 All, and that they have all been very adamant that they are opposed to the de-annexation, and just because she represents Ward 4 the citizens are very divided on this issue; and that she must abstain from voting. She stated that compassion knows no boundaries.

Mayor Draper stated that the annexation would jeopardize the livelihood of the city's police and fire, and effects public safety. De-annexation would devastate Anniston and those retirees that rely on Anniston. He stated that he is opposed to de-annexation; and this de-annexation movement is real; and the issues that gave rise to this movement are real. He stated that they have to come together as one City now; and he believes in Anniston.

There being no further business to come before the council at that time Mayor Draper made a motion the meeting be adjourned. The motion was seconded by Council Member Jenkins; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper nays: none. The motion carried and the meeting was adjourned at approximately 7:43 o'clock p.m.